

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERARD KENNEY, ALEXA JOSHUA,
GLEN DELA CRUZ MANALO, and
KATHERINE MURRAY LEISURE,

Plaintiffs,

v.

AMERICAN BOARD OF INTERNAL
MEDICINE,

Defendant.

CIVIL ACTION

No. 18-5260

ORDER

AND NOW, this 26th day of September, 2019, upon consideration of Defendant ABIM's ("ABIM") Motion to Dismiss the Amended Complaint; Plaintiffs Gerard Kenny, Alexa Joshua, Glen Dela Cruz Manalo, and Katherine Murray Leisure's Memorandum of Law in Opposition, and ABIM's Reply in Support, it is hereby **ORDERED** that ABIM's Motion (Doc. No. 22) is **GRANTED**.

IT IS FURTHER ORDERED that:

1. Counts I (unlawful tying under the Section 1 of the Sherman Act) and IV (unjust enrichment) are **DISMISSED WITH PREJUDICE**;
2. Counts II (illegal monopolization and maintenance) and III (RICO Act violations) are **DISMISSED WITHOUT PREJUDICE**; and
3. Plaintiffs shall have **FOURTEEN DAYS** from the date of this Order to file a Second Amended Complaint.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE